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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,791	01/03/2007	Henry Starke	246472009900	5875
25227 7590 03/30/2009 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102				
EXAMINER				
LEBASSI, AMANUEL				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
03/30/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/576,791

**Applicant(s)**

STARKE ET AL.

**Examiner**

AMANUEL LEBASSI

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: The disclosure lacks the proper sections. In the instant case the disclosure lacks a a brief description of the drawing that describes each drawing.

Appropriate correction is required.

The following shows the preferred sections of the disclosure.

#### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the

field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

### ***Oath/Declaration***

The Declaration is not sufficient. A new declaration in English should be submitted because, the original was not executed in accordance with either 37 CFR 1.66 or 1.68.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 14-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinvaara et al. EP 1096699 in view of Kirmuss US 20030081121.

Regarding claim 14, Sinvaara discloses a system for connecting a cellular telephone located in a mobile vehicle to a stationary mobile telephone network (paragraph [0025] where a cell phone is located in an aircraft and Fig. 2, Position 3). Sinvaara discloses at a stationary position (Fig. 2, Position 1), (a) a device for transmitting and receiving IP data to and from a corresponding device of the vehicle (Fig. 2, Position 3, AP inside the aircraft), (b) a device for converting the IP data into mobile radio data and conversely (Fig. 2, IP), and (c) a device for transmitting and receiving the mobile radio data to and from the stationary mobile radio network (Fig. 2, LAN and BTS3). Sinvaara discloses on board the vehicle, (d) a device for transmitting and receiving IP data to and from a satellite (Fig. 2, Position 3, AP inside the aircraft), (e) at least one mobile radio base station (Fig. 2, Position 3, AP), and (f) a device for converting the mobile radio data into the IP protocol and conversely (Fig. 2, Position 3, SC).

However, Sinvaara fails to disclose a device for transmitting and receiving IP data to and from ground station. However, Kirmuss teaches a device for transmitting and receiving IP data to and from a ground station (paragraph [0170], transmission of the video off the vehicle (e.g., airplane) to a ground station, etc).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the inventions of Sinvaara and add a device for transmitting and receiving IP data to and from a ground station. The motivation would be in order to monitor voice/video data in an airplane or other vehicles (paragraph [0003]).

Regarding claim 15, Sinvaara discloses the mobile radio base station forms a mobile radio pico cell on board the vehicle (Fig. 2, Position 3, AP inside the aircraft).

Regarding claim 16, Sinvaara discloses the connection between the device (b) and the device (c) is established via the intranet of the vehicle (Fig. 2, Position 3).

Regarding claim 17, Kirmuss discloses the device (b) comprises an IP call manager (paragraph [0170]).

Regarding claim 18, Kirmuss discloses the device (c) is configured for transmitting or receiving via one or more switching stations (paragraph [0170]).

Regarding claim 19, Sinvaara discloses the switching stations comprise satellites (Fig. 2, SAT).

Regarding claim 20, Sinvaara discloses the device (d) is configured for transmitting or receiving via one or more switching stations (Fig. 2, Position 2).

Regarding claim 21, Sinvaara discloses the switching stations comprise satellites (Fig. 2, SAT).

Regarding claim 22, Sinvaara discloses the connection between the device (d) and the device (e) is established via the Internet (Fig. 2, Position 2).

Regarding claim 23, Sinvaara discloses the connection between the device (d) and the device (e) is established via the Internet (Fig. 2, Position 2).

Regarding claim 24, Kirmuss discloses the device (e) comprises an IP call manager (paragraph [0170]).

Regarding claim 25, Sinvaara discloses the device (f) transmits or receives the mobile radio data wirelessly or wire-connected to or from the stationary mobile radio network (Fig. 2, Wireless link).



Regarding claim 26, Sinvaara discloses a plurality of devices (e) and (f) which are arranged spatially spaced apart in areas of different stationary mobile radio networks (Fig. 2, Position 3, plurality of MS).

Regarding claim 27, Sinvaara discloses a) logging-in the cellular phone at a local mobile radio cell which is formed by a mobile radio base station arranged on board the vehicle (Fig. 2, Position 3, and MS accessing Access Points). Sinvaara discloses (b) converting the mobile radio data into IP data and conversely (Fig. 2, Position 3) and (c) transmitting or receiving the IP data to or from a Terrestrial Gateway (Fig. 2, TeGW). Sinvaara discloses (e) - converting the IP data into mobile radio data and conversely (Fig. 2, IP network); and (f) transmitting or receiving the mobile radio data to or from the stationary mobile radio network (Fig. 2, Position 5).

However, Sinivaara fails to disclose a device for transmitting and receiving IP data to and from ground station.

Kirmuss teaches a device for transmitting and receiving IP data to and from a ground station (paragraph [0170], transmission of the video off the vehicle (e.g., airplane) to a ground station, etc).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the inventions of Sinvaara and add a device for transmitting and receiving IP data to and from a ground station. The motivation

would be in order to make more coordination of data and to monitor voice/video data in an airplane or other vehicles (paragraph [0003]).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amanuel Lebassi, whose telephone number is (571) 270-5303. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Art Unit: 2617

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Amanuel Lebassi*

/A. L./

03172009

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617